

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

PCA SLOVAKIA, S.R.O.

Case No. 06-CV-50949

**OPINION AND ORDER GRANTING “APPLICATION FOR AN ORDER PURSUANT
TO 28 U.S.C. § 1782 . . .”**

Pending before the court is an “Application for an Order Pursuant to 28 U.S.C. § 1782 . . .,” filed by PCA Slovakia a/k/a Peugeot Slovakia on October 13, 2006. No opposition briefs have been filed. Having reviewed the application and the October 20, 2006 supplemental brief, the court concludes that a hearing is not necessary. See E.D. Mich. LR 7.1(e)(2). PCA seeks relief under 28 U.S.C. § 1782, which states, in pertinent part:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court.

28 U.S.C. § 1782(a). “Under § 1782 “[t]he grant of power is unrestricted, but entirely within the discretion of the Court.” *In re Letter Rogatory from Justice Court, Dist. of Montreal, Canada*, 523 F.2d 562, 566 (6th Cir. 1975) (quoting *California Bankers Ass’n v. Shultz*, 416 U.S. 21, 31 (1974)). After reviewing PCA Slovakia’s briefs, as well as the supporting exhibits, the court finds that PCA Slovakia’s request for relief falls directly

within the provisions of § 1782. PCA Slovakia is an “interested person” who seeks documents for use in a foreign tribunal. The court will therefore exercise its discretion and grant PCA Slovakia’s application. Accordingly,

IT IS ORDERED that PCA Slovakia’s “Application for an Order Pursuant to 28 U.S.C. § 1782 . . .” [Dkt. # 1] is GRANTED.

IT IS FURTHER ORDERED that Haden Schweitzer Corporation; Haden International Group, Inc.; Haden, Inc.; Haden Environmental Corporation; Haden Auburn, LLC; Haden Group, LLC; Haden Prism, LLC; Haden Research and Development Corporation; and Haden Southwest LLC (collectively, the “U.S. Haden Entities”) shall produce to PCA Slovakia, on or before **30 days** after the date of this order, at the offices of Walton & Donnelly, P.C., 535 Griswold Street, Suite 1550, Detroit, Michigan 48226, any and all documents that may be deemed responsive to the document requests attached as Exhibit 5 to PCA Slovakia’s October 13, 2006, “Application for an Order Pursuant to 28 U.S.C. § 1782.”

PCA Slovakia is DIRECTED to serve copies of this order, the “Application for an Order Pursuant to 28 U.S.C. § 1782 . . .,” and the October 20, 2006 supplemental brief, by certified mail, upon the Michigan resident agent for each of the U.S. Haden Entities, on or before **7 days** from the date of this order.¹

Finally, IT IS ORDERED that, upon receipt, PCA Slovakia shall deliver any documents produced by any of the U.S. Haden Entities to the administrator of Haden

¹The docket indicates that most, if not all, of the U.S. Haden Entities were served with copies of the application and supplemental brief prior to November 1, 2006. PCA Slovakia need not serve an additional copy of the application or supplemental brief on any entity which has already been served with them.

Slovakia's bankruptcy proceedings along with a written request for the administrator to take those documents into account when liquidating Haden Slovakia.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 20, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 20, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522